

3:06-CV-428

Defendant,

This language means that if the Plaintiff has any evidence to offer to show that there is a genuine issue for trial, he must now present it to this Court in a form which would otherwise be admissible at trial, i.e., in the form of affidavits or unsworn declarations. An affidavit is a written statement

under oath; that is, a statement prepared in writing and sworn before a notary public. An unsworn statement, made and signed under the penalty of perjury, may also be submitted. Affidavits or statements must be presented by Plaintiff to this Court no later than September 28, 2007, and must be filed in duplicate. As stated by Rule 56(e), the Plaintiff's failure to respond may result in the Defendant being granted the relief it seeks by way of summary judgment, that is, the dismissal of the Complaint with prejudice.

NOW THEREFORE, IT IS ORDERED:

1. The pro se Plaintiff shall have until September 28, 2007, to file her response, including any evidence, to the Defendant's Motion for Summary Judgment.
2. The Clerk is directed to send copies of this Order and Notice to counsel for the Defendant; and to the pro se Plaintiff, that is, Timothy Ervin Jones , 4701 Hamilton Circle, Charlotte, NC 28216.

SO ORDERED.

Signed: August 30, 2007

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

